

Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.129(a). Applicant's first submission after final filed on August 13, 1996, has been entered.

As indicated in the Advisory Action mailed on July 9, 1996 (paper no. 11), the amendments to the claims (now having been entered) result in the allowability of claims 17-30. Regarding claims 31-38, the latest amendments have substantially changed the scope of these claims as explained by the Examiner in the above identified Advisory Action, and they have been re-examined in light of the limitations now set forth therein. For reasons set forth below, claims 31-38 are also now deemed to recite patentable subject matter. The following rejection, however, is necessitated by applicant's latest amendments. This action is **not** made final.

Claims 36-38 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 18 of amended claim 36, the words "which is not" have been deleted after the word "substrate" without the required indication (37 CFR 1.121). This deletion results in a substantial change in meaning in the claim, in that


it is part of the phrase which defines the orientation of the light source with respect to the substrate (the side of the substrate which is undergoing polishing versus the side which is not undergoing polishing). It is thus unclear what the intended orientation is, and the claim is accordingly indefinite. Claims 37 and 38 are included in the rejection since they depend from claim 36 and thus inherently contain the same deficiency.

Claims 17-35 are allowable over the prior art of record. Claims 17-30 are allowable for reasons clearly developed during the earlier prosecution. Claims 31-35 are allowable because the prior art does not disclose or suggest a chemical mechanical polishing device having an electrical slipring, light source, photodetector, and analyzing means which are functionally and structurally arranged in the manner set forth in applicant's claim 31.

For the same reason, claims 36-38 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 4,711,516 to Graber shows (in Figure 1) an electrical slipring and photodetector assembly for use in a steering column of a vehicle.

Any inquiry concerning this communication should be directed to Examiner John D. Lee at telephone number (703) 308-4886.


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